

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE**

ROOM 405 STATE CAPITOL BUILDING

January 31, 2001

Members Present: Sen. D. Chris Buttars , Co-Chair
Rep. A. Lamont Tyler, Co-Chair
Sen. Pete Suazo
Rep. Ron Bigelow
Rep. Gary F. Cox
Rep. Scott Daniels
Rep. Paul Ray
Rep. Mike Thompson

Members Absent: Sen. Peter C. Knudsen

Staff Present: Bill Dinehart, Fiscal Analyst
Dr. Andrea Wilko, Fiscal Analyst
Cherri White, Committee Secretary

Visitors List: List filed with Committee Minutes

Co-Chair, Representative Tyler called the meeting to order at 2:03 p.m. and explained to the committee that the GPS demo was being moved ahead on the agenda as those giving the demo had a plane to catch. The GPS demo introduced the committee to the full range of uses of laptops/desktop computers and the linking capability with satellites to electronic monitoring bracelets/anklets. This would allow 24 hour up to the minute tracking of offenders. The department monitoring the offender would be able to set up individual restrictions targeted to the offender. The cost for this would be \$11.00 per day as opposed to about \$60.00 per day for incarceration.

Co-Chair Tyler called for a motion to approve the minutes of January 29, 2001.

MOTION: Representative Bigelow moved to approve the minutes of January 29, 2001. The motion passed unanimously with Senator Knudsen absent for the vote.

Representative Daniels requested that the minutes reflect a conflict of interest as he at times represents individuals in legal action against the Attorney General's Office.

MOTION: Representative Thompson moved to tentatively approve the Analysts recommendation for the Courts.

SUBSTITUTE

MOTION: Representative Bigelow moved to give tentative approval less 1% General Fund monies for the Analyst's recommendation for the Courts as follows:

Courts:	General Fund	87,536,400
	Federal Funds	122,000
	Dedicated Credits Revenue	1,202,600
GFR -	Alternative Dispute Resolution	144,400
	Children's Legal Defense	624,800
	Court Trust Interest	300,000
	Guardian ad Litem Services	233,700
	Non-Judicial Assessment	729,900
	Online Court Assistance	35,000
	State Court Complex	3,500,000
	Substance Abuse Prevention	348,800
	Tobacco Settlement	193,700
	Transcriptions	250,000
	Transfers - CCJJ	632,700
	Transfers - Human Services	152,800
	Beginning Nonlapsing	251,000
	Closing Nonlapsing	<u>(185,000)</u>
	Total:	\$96,072,800

These funds include non-General Fund building blocks recommended by the Analyst. The motion passed unanimously with Senator Knudsen absent for the vote.

MOTION: Representative Bigelow moved to add to the priority list \$499,100 for Guardian ad Litem. The motion passed unanimously with Senator Knudsen absent for the vote.

MOTION: Senator Suazo moved to add to the priority list \$60,000 as requested by the agency for a Project Coordinator to coordinate the work of the multi-agency and community committee to implement the recommendation of the Racial and Ethnic Fairness Study. The motion passed unanimously with Senator Knudsen absent for the vote.

MOTION: Senator Butters moved to add to the priority list from the Agency requests:

Contracts & Leasing	1,125,000
Child Welfare Mediation	170,000
Law Clerks	232,000
Information Technology	174,000

Perimeter Security	200,000
Drug Courts	1,000,000

After discussion there was a request from the committee that Drug Courts funding be handled under a separate vote. The committee agreed that Drug Court funding would be voted separately.

Voting on Contracts & Leasing, Child Welfare Mediation, Law Clerks, Information Technology Personnel, Perimeter Security passed unanimously with Senator Knudsen absent for the vote.

Voting on \$1,000,000 for Drug Courts passed 7-2 with Representative Bigelow and Daniels voting against the motion, and Senator Knudsen absent for the vote. (Analyst Bill Dinehart indicated to the committee that he would inform the Human Services Appropriations Subcommittee of the Committee's actions so they could address it within their budget as well.)

MOTION: Senator Buttars moved to add to the priority list \$1,200,000 for Witness, Jury and Interpreter Fees. The motion passed unanimously with Senator Knudsen absent for the vote.

MOTION: Representative Daniels moved to have Intent Language prepared so that the Substance Abuse and Anti-Violence Council would evaluate the usefulness of Drug Courts and report back to the committee its findings. The motion passed unanimously with Senator Knudsen absent for the vote.

MOTION: Representative Thompson moved to hold the decisions on Senator Spencer's requests of \$50,000 for Guardian ad Litem, and \$50,000 for Appellate Mediation until Monday's meeting (February 5, 2001) so that Senator Spencer can address the subcommittee regarding his requests. The motion passed unanimously with Senator Knudsen absent for the vote.

Fiscal Analyst Bill Dinehart presented the Analyst budget recommendations for the Department of Corrections and the Board of Pardons (see tabs 15-21.) Mr. Dinehart indicated to the committee that this is the largest budget that the committee will deal with. There are several areas of additional funding needs Mr. Dinehart indicated that the committee needed to be aware of.

1. Gunnison 288-bed Unit - The cost of opening the new Gunnison unit of 288 beds is completed and ready to open. Full funding (12 months) for the facility includes staffing with 65.5 FTE. Costs for this are \$5,266,700 from the General Fund should funding become available.
2. Parole and Probation Agents - The current workload is over 68 offenders per agent as 234 agents supervise over 14,000 offenders. There is an additional workload issue with the preparation of more than 10,000 pre-sentence investigations each year. The Analyst

recommends adding 7 FTE officers at a cost of \$458,600 in General Funds (\$337,200 on-going and \$121,400 onetime) should funding become available.

3. Sex Offender Treatment - There are currently over 1,200 offenders in the prison system of Utah that are eligible for sex-offender registry. Currently approximately 500 inmates are able to receive treatment. To bring treatment to the rest of the eligible sex offenders both in prison and on parole it is recommended that an additional 5 FTE at a cost of \$839,000 in General Funds should funding become available.
4. Medical Services - Medical costs grow in relation to the prison population. For example, the Corrections contract with the University Hospital currently pays at approximately 68.6 % of the contracted service charges. The new contract will require a higher payment ratio. At the same time the cost of pharmaceuticals and medical lab services have grown even more significantly. Therefore, the Analyst recommends \$1,150,000 in General Funds for overall medical cost increases should funding become available.
5. Jails - Annually costs for jail programs is adjusted. The new rate for FY 2002 will be \$43.95 per day. The Analyst recommends \$621,000 in General Funds should funds become available to help offset the impact of the rate change.

Mr. Dinehart proceeded to give recommendations regarding Board of Pardons.

1. Public Safety Requirements - In FY 1997 there was an increase in the Public Safety Retirement costs which was under-funded for the Board Staff. To correct that funding will require \$35,000 in General Funds should funding become available.
2. Mentally Ill - The main Appropriations Act (Senate Bill 1, 2000 General Session, Item 27, page 10) included language dealing with the mentally ill inmates. The required report was made to the interim committee, however, the report included a request for a six-month extension to complete their work. The granted extension will not come due until after the General Session of the Legislature should funding become available.

Following the Analyst's presentation a short recess was called by the Chair. The committee resumed at 3:50 with the Agency's response to the Analysts recommendation.

Mike Chabries, Executive Director, Utah Department of Corrections began with introductions of his executive staff, (Chris Mitchell, Deputy Director, Jesse Gallegos, Deputy Director, Scott Carver, Division of Institutional Operations, Joe Borich, Division of Adult Probation and Parole, Richard Clasby, Division of Utah Correctional Industries, Cliff Butter, Bureau of Planning and Research, Gary Session, Bureau of Finance) and presented to the committee a handout regarding the agencies requests and priorities.

Mr. Chabries indicated to the committee that currently there are 18,000 offenders at various points in the system with a staff of 2,200. With current projections of incarceration rates an estimated 324 new beds will be needed each year for several years. Part of this growth is due to increasing numbers of mandatory minimum sentencing thus offenders are staying in prison for longer periods. In addition, there has been an increase in the number of criminal offenses created by legislation. The overall effect is that, while crime rates (adjusted for population) have remained flat, rates of incarceration have continued to grow. To address this there has been a 5-year plan of housing needs which indicates a need of 2,274 beds by February 2006. These would be in minimum, and maximum security facilities. The need for bed space also requires that the state look to privatization of some of these facilities.

It was further indicated that there is a shortfall of \$4,497,800 in the area of Jail Programs (Reimbursement - \$1,589,500, Contracting - \$2,908,300) This needs to be addressed in some way.

The following are the priorities of the requests by the agency:

Salary increases - the Governor has recommended an increase of 6%. This would help to address the problems of high turnover rates and bring the wage into a more competitive range.

CUCF II Operations' - The Governor is recommending \$5,016,700 and 65.5 FTE, the Analyst is recommending \$5,266,700.

The jail program as indicated above is the third priority for the department. The Governor is recommending a total of \$10,335,700 (Supplemental \$4,497,762, Core Rate Increase \$550,223, FY 02 Jail Reimbursement \$1,739,178, FY 02 Jail Contract \$3,548,539). The Analyst recommendation is \$621,000

(See Department handout for full listing of Growth-Related Requests)

Mr. Chabries reiterated the need for employee compensation and bed space funding and respectfully requested the committee do all that it could to support the department.

Michael R. Sibbett, Chair, Board of Pardons addressed the committee with the needs of the Board of Pardons. (See handout on file). Mr. Sibbert requested three items for the Board of Pardons.

1. One-time supplemental of \$16,000 to fund compensation shortfall.
2. Building Block of \$35,000 to fund public safety shortfall.
3. Intent Language granting non-lapsing authority.

Addressing the committee from the public was Pat Nielson, Co-President, Utah League of Women Voters and Kelly Atkinson, Fraternal Order of Police.

MOTION: Senator Suazo moved to adjourn. The motion passed unanimously with Senator Knudsen absent for the vote. The meeting adjourned at 5:23 p.m.

Senator D. Chris Buttars, Co- Chair

Representative A. Lamont Tyler, Co-Chair